

**FARMINGTON CITY  
PLANNING COMMISSION MEETING  
February 8, 2018**

---

**STUDY SESSION**

***Present:** Commissioners Alex Leeman, Bret Gallacher, Roger Child, and Rulon Homer, Community Development Director David Petersen, Associate City Planner Eric Anderson and Recording Secretary Heidi Gordon. Commissioners Connie Deianni and Kent Hinckley were excused.*

**Discussion Regarding the Order of Agenda Items and time**

**Item #3. Jake Thomas/CTI Projects – Requesting a zoning map amendment of 2.53 acres of property consisting of 3 parcels located at 622 N. 300 W., 648 N. 300 W., and 664 N. Compton Road from an LR-F (Large Residential Foothill) and an OTR (Original Townsite Residential) zone to an R-4 (Multifamily Residential) zone.**

**Eric Anderson** gave an overview for the 14 townhomes proposal. Eric brought up the comments that have been sent in from residents. All Planning Commissioners received an email with these and a hard copy was handed out as well. Most comments breakdown to five reasons for opposition to this proposal, which include property value, traffic, schools being overloaded, crime and losing Farmington's charm. Staff is recommending denial of this proposal. The City has strategic planning for multi-family developments; this does not fit with the master plan of the City.

**Dave Petersen** explained how the property owner approached staff for options on the property. The property owner was told by staff that multi-family would probably not work for this property. They also said staff would recommend a denial for a zone change to multi-family. The developer submitted an application for zone change. Two homes would have to be demolished, and some of the property is zoned OTR which is quite restrictive.

**Eric Anderson** said the City has a legal obligation to review all applications. While property owners have the right to request a rezone.

**Item#4. Adam Nash/Growth Aid LLC – Requesting an amendment to the Farmington Green PUD and related development agreement further defining setbacks and uses related to the commercial property located at the southeast corner of 1525 West and Clark Lane.**

**Eric Anderson** said that this item was tabled from the last meeting for questions on height restriction and the type of commercial uses in the small office area. The City will add a condition in approving this that will include the height restriction at 27 feet. The applicant is okay with complying with the height.

**Roger Child** questioned the City and its needs for commercial use and or a trade of property with the City.

**Dave Petersen** said that the City talked about the use of this site for a fire station. It was then decided that they need one that is closer to the Kaysville border.

**Roger Child** said that he had several residents approach him about the chance that the City could trade property?

**Dave Petersen** said that yes, the City would but at this time the property has to remain as open space and right now the City won't do that.

**Roger Child** said that he received a phone call from a resident who expressed what the collective preference would be for the property. They did a survey with the following options:

1. They would like to see the property rezoned to single family
2. Commercial storage units with limited or no retail store fronts
3. Rezone to a multi-family use

**Eric Anderson** said that the City attorney has said that when something is vague in the ordinance, tie goes to the property owner. If we do not define what type of uses, deference is given to the property owner.

**Item #5. Farmington City – Requesting a zone text amendment to Chapters 3, 10, 11, and 28 of the Zoning Ordinance expanding the use of Transfer of Development Rights.**

**David Petersen** presented how TDRs are used.

---

**REGULAR SESSION**

***Present:** Commissioners Alex Leeman, Bret Gallacher, Roger Child, and Rulon Homer, Community Development Director David Petersen, Associate City Planner Eric Anderson and Recording Secretary Heidi Gordon. Commissioners Connie Deianni and Kent Hinckley were excused.*

**Item #1. Minutes**

**Bret Gallacher** made a motion to approve the Minutes from the January 18, 2018 Planning Commission meeting. **Rulon Homer** seconded the motion, which was unanimously approved.

**Item #2. City Council Report**

**Eric Anderson** said that the Mountain View PUD subdivision was tabled. City staff and council still needs time to review this item. A public notice will be sent out when it will be on the City Council agenda next. The zone text amendment was passed as written in the staff report and the recommendation of the Planning Commission. The Swain Subdivision PUD final master plan was approved.

**SUBDIVISION AND FINAL PUD MASTER PLAN**

**Item #3. Jake Thomas/CTI Projects – Requesting a zoning map amendment of 2.53 acres of property consisting of 3 parcels located at 622 N. 300 W., 648 N. 300 W., and 664 N. Compton Road from an LR-F (Large Residential Foothill) and an OTR (Original Townsite Residential) zone to an R-4 (Multifamily Residential) zone.**

**Eric Anderson** said that the applicant is requesting a rezone to be able to build 14 townhomes. Staff is recommending denial as per the suggested findings for the denial which are the following:

1. The proposed rezone is inconsistent with the General Plan.

2. The proposed rezone is inconsistent with the surrounding properties and adjacent neighborhoods.
3. While the City is planning on and accommodating future growth through a mixture of housing types, including multifamily, the City's multifamily strategy, vision, and goals will be met in the mixed-use and other zones. The proposed rezone and correlating site plan are inconsistent with the City's multifamily strategic plan.
4. The proposed rezone would essentially be a spot zone, although spot zones are not illegal per se, this particular rezone would create an island of R-4 surrounded by single-family residential densities.

**Jake Thomas** 360 S. Fort Ln. Bldg. 3 Suite D Layton said that they are doing a very similar development in Scottsdale, AZ. He believes that Farmington is growing so much and there is a need for this type of development. The townhomes would be in the upper end of \$500k price range in a gated community. He presented to the commissioners proposed plans. He said that they would be happy to let the City have 1 acre of the land for a water well.

**PUBLIC HEARING OPEN 7:16 pm**

**Alex Leeman** emails were entered into the record.

**Don Bradshaw** 650 N. 90 W. He has 4.2 acres and an additional 4.34 acres in the Bayview Subd. He objects to the changes. He read the OTR ordinance. He does not believe that it will stop the spot zoning at this request that others will come in and want to do more zone changes. He is opposed to the multi-family housing. He believes that the multi family will bleed over into his property which will affect his property values.

**John Bradshaw** 259 E. 100 N. said that he is in the OTR zone and he had a house fire. Being in the OTR zone caused him much difficulty as he has tried to rebuild his home with the restrictions in the OTR zone. He wants the property to stay in the OTR zone.

**TJ Tsakalos** 220 W Bayview Dr., he agrees with the city staff on the position. He does not like multifamily housing. He also has some issues with access to the subdivision, traffic and safety. He believes that property values will not go up and would like to see this denied.

**Susan Willy** 497 W Quail Run Rd., They bought here for the low density area 30 years ago. She feels that Farmington is not the place for multi-million dollar housing. Farmington has character and she feels it needs to stay within the high density areas and not in this neighborhood.

**Steve Willy** 497 W. Quail Run Rd., He supports his wife's comments

**Paige Walton** 122 W. Oakridge Dr., she brought a petition from 40 + residents that she wanted submitted into the record. They are opposed to the proposal. She believes the Station Park area fulfills the multifamily needs. They are concerned about their property values light and noise pollution. They believe that the higher density would cause some issues with Farmington Pond. They are opposed to the change in the master plan and feel it will not enhance the historic area. They are opposed to any changes to the master plan as they feel it will not benefit the city or the neighborhoods.

**Heinz Mahler** 252 W. Bayview Dr., He feels that people purchased homes in the area with the thought that it would remain low density. People choose to live in Farmington for the unique character and integrity of the neighborhood. This area close to Main Street was never intended to have

multifamily high density developments. He would like to see this zone protected. This is completely inconsistent to the master plan.

**Shaun Smith** 662 N. Compton Rd., he is for the zone change. He grew up here and he feels there are natural barriers around the property. He went over all the commercial properties in the area and feels that the zoning can be changed.

**Tyler Stevens** 39 W. Grove Creek Cir., He has moved from west Farmington to east Farmington and he loves the diversity of the area. He believes there are not very many options for this land. He feels that the townhomes are a great fit for this property and that Farmington is in need of this type of housing. He would like to see citizens embrace different people.

**Ben Onofrio** 1082 N. 100 W., said that he recently moved to Farmington because he likes the small town feel and would like to see the Planning Commission protect the citizens from this project.

**Karen Davis** 180 W. 600 N., said that there is a water table issue on this property. Animals coming down the canyon could be an issue. She has an issue with the speeding around the area. She understands the property owners rights, but would like to see the area stay the same.

**Dave Dixon** 1047 N 100 W., he expressed appreciation to the Planning Commission. He quoted the General Plan. He said that this site does not meet the criteria.

**Scott Harbertson** 28 E. 930 N., thanked the Planning Commission for what they do. He said that 12 years ago they had a vision committee. Part of that vision was maintaining the charm of Farmington. There was a plan that was proposed to the City later for the Haugen property that was multifamily that was not passed because it was not keeping in harmony with the vision they had come up with before. He said that there is merit to the master plan. He recommends to follow staffs recommendation for denial.

**Michael Nielson** 144 W. Oakridge Dr., said that he agrees with the staff's comments on the General Plan for the city. He is nervous about this setting a precedence.

**Louise Madison** 139 W. Oakridge Dr., said that this is a gateway area and she feels that with recent construction she believes it would not be in the best interest to have multi-family homes. She feels that this opens up to adjacent properties, which could in turn cause a snowball, affect into more multifamily housing. She wants it to stay the way the Master Plan has it designated.

**Christy Hodgman** 498 N. Grove Creek Cir., said that she is concerned about safety and and the infrastructure and traffic in the area. Her biggest concern is the speed limit in the area.

**Debbie Johnson** 1029 N. Main St., would like to see the zoning preserved and the feel of the city. She expressed her traffic concerns.

**Theo Thatcher** 218 W. Bayview Dr., said that he is a geologist and he has seen the earth moving in the area and this property is by the fault line. He has concerns about the houses above. He believes there is wetland issues. He is worried about sliding issues.

**Nancy Nielson** 740 N. Compton Rd., she has concerns about noise and light pollution as well as pedestrian safety.

**Mark Evans** 2001 N. 1210 W., Pleasant Grove, said the property just south of this has

been in his family for a long time. He would like to see all of the zoning changed in that area to allow as many homes as possible in the area.

**Rebecca Peterson** 953 N. Compton Rd., said that she is representing 9 adults that are against the zone change.

**John Woodland** 740 N. Compton Rd., said he is concerned about the traffic and pedestrians.

**Jacob Welch** 76 E. 600 N., he understands sellers and the buyers and the motivations they have, but he feels we need to be fair. He is the 7<sup>th</sup> generation to live in Farmington. He believes there is a place for multifamily. He opposes the rezone.

**Alex Leeman closed the public hearing at 8:21 p.m.**

**Alex Leeman** explained that anyone can request a zoning change. The difference in this land use is that no one has a right to a zoning change. It is a legislative act by elected officials. The final decision will be with the City Council. Planning Commission is a recommending body. Ultimately, the final decision will be with the City Council.

**Bret Gallacher** complimented everyone for coming out to have their voices heard. He does have some concerns about the rezone. He does not believe that it meets any of the three factors as set forth in 11-6-020 (D) with the General Plan and feels it is not consistent. He is strongly in favor for land owners rights but he has some serious concerns about the rezone.

**Alex Leeman** said that zones do change to facilitate and guide the development consistent with the vision of the City. In his view he feels that this doesn't meet it. He talked about the difference in zone changes on the west side and east side. The east side with the type of area and use has already been largely defined. The west side they are just beginning the process of setting a vision and a precedence as to what should be in the area. This proposal doesn't match any of that for the east side of the City.

**Roger Child** said that he has loved living in the older part of Farmington. He feels that if you are looking for a zone change the OTR zone is not the place to do it. A rezone going up Main St. would be the most difficult. He likes the OTR zone for the variety of housing. He is not opposed to multifamily housing, however he thinks the type of structure and location is not typical of what you would see in this part of Farmington.

**Rulon Homer** he has lived on the west side of Farmington for 45 years and he understands change. He appreciates the master plan and maintaining the integrity of what we want to do. He is opposed to the rezone.

***Motion:***

**Bret Gallacher** made a motion that the Planning Commission recommend that the City Council deny the zoning map amendment of 2.53 acres of property located at 622 N. 200 W., 648 N. 200 W., and 664 N. Compton Road from an LR-F (Large Residential – Foothill) and OTR (Original Townsite Residential) zone to an R-4 (Multi Family Residential) zone.

Findings for Denial:

1. The proposed rezone is inconsistent with the General Plan;
2. The proposed rezone is inconsistent with the surrounding properties and adjacent neighborhoods;
3. While the City is planning for and accommodating future growth through a mixture of housing types, including multifamily, the City's multifamily strategy, vision, and goals will be met in the mixed-use and other zones (i.e. RMU, GMU, NMU, CMU, and TMU). The proposed rezone and correlating site plan are inconsistent with the City's multifamily strategic plan;
4. The proposed rezone would essentially be a spot zone, although spot zones are not illegal per se, this particular rezone would create an island of R-4 surrounded by single-family residential densities.

**Rulon Homer** seconded the motion, which was unanimously approved.

**PLANNED UNIT DEVELOPMENT**

**Item#4. Adam Nash/Growth Aid LLC – Requesting an amendment to the Farmington Green PUD and related development agreement further defining setbacks and uses related to the commercial property located at the southeast corner of 1525 West and Clark Lane.**

**Eric Anderson** said that when Farmington Greens subdivision came in they had a master plan approved as part of their PUD which showed the parcel as commercial support and services. Also in the development agreement there is paragraph "B" under the recitals that reads, "Developer or its predecessors have filed an application with the city for approval of the developer's project on the property as a planned unit development. Developer's project shall be known as Farmington Greens a planned unit development. The project which shall consist of up to but shall not exceed 176 lots or dwelling units. Plus approximately 3 acres of commercial property. As more particularly shown on the preliminary development plan previously approved by the City Council on October 7, 1998." This does not describe in detail what type of uses or describe setbacks. The setbacks do not work for a commercial use in the AE zone. Staff proposes the developer amend the PUD and define what types of commercial uses that are allowed and also address the setbacks required. In the AE zone there is a twenty-seven (27) feet height requirement that would be put into place. The setbacks need to be defined to 10 feet on both sides. Based on those issues that came up it was tabled for more discussion at the last meeting. Beyond the self-storage the applicant will also be using supporting commercial uses including the offices for the self storage. Staffs recommends the following:

1. The height of the buildings shall not exceed twenty-seven (27) feet in height as set forth in Section 11-10-050 of the Zoning Ordinance;
2. Any commercial use approved as part of the amendment to the development agreement shall obtain a conditional use permit;
3. Any supporting commercial uses ancillary to the storage facility shall meet the "neighborhood service establishment" use as set forth in Section 11-15-030 of the Zoning Ordinance.



**Adam Nash** 6076 S. 900 E., Salt Lake City said they have worked with staff to address the issues. They do not have a problem with the height restriction. Setback discussion they did offer a buffer between the commercial and residential uses by installing a 55-foot roadway. He has concerns about having to get a conditional use permit for every tenant.

**David Petersen** explained that in 2005 the legislature clarified that a conditional use permit cannot be denied. He said that a conditional use is an administrative act. The conditional use would allow the City to set in place reasonable conditions on the development such as lighting and hours of operation.

**Adam Nash** he believes that a conditional use is s another layer that would cause more time and energy put into the use. He would like to work out the language on the conditional use.

**Adam Nash** said that hours of operation would be hard to put into place.

**Dave Petersen** said that the hours of operation concern would be for the other commercial uses on the property.

**Eric Anderson** said that this would be another reason to have a conditional use put into place to be able to mitigate any issues.

**Alex Leeman** said that he feels that any of his concerns have been addressed with this discussion. He would like to make sure that in the motion the language in the amendment only apply to this parcel and not the whole PUD.

**Bret Gallacher** said that the motion talks about any time you want to do something with retail the CUP.

**Dave Petersen** clarified that the tenants do not have to get individual conditional use permits, but it would be one CUP for the entire project.

**Alex Leeman** said that when the developer comes back for the conditional use they would need to come back to the Planning Commission with site plans. He expressed what he would like to see the elevations and lighting in the next meeting that he would like to see addressed.

**Bret Gallacher** said he would like to see something as far as timeframe that they can access the storage units.

***Motion:***

**Bret Gallacher** made a motion to move that the City Council make an amendment to the Farmington Greens PUD master plan and development agreement related to reducing the setback requirements to the commercial property to a 10 foot minimum on all sides. Further defining that the applicants request be an allowed commercial use in the Farmington Greens PUD subject to all applicable Farmington City development standards and ordinances, and the following four conditions. This amendment will only be applied to the 2.6 acres located on the southeast corner of 1525 W. and Clark Ln. With the following three outlined conditions.

**Recommendation:**

1. This amendment will only be applied to the 2.6 acres located on the southeast corner of 1525 W. and Clark Ln.
2. The height of the buildings shall not exceed twenty-seven (27) feet in height as set forth in Section 11-10-050 of the Zoning Ordinance;
3. Any commercial use approved as part of the amendment to the development agreement shall obtain a conditional use permit;
4. Any supporting commercial uses ancillary to the storage facility shall meet the “neighborhood service establishment” use as set forth in Section 11-15-030.

Move to approve. **Rulon Homer** seconded the motion, which was unanimously approved.

**Item #5. Farmington City – Requesting a recommendation for approval of miscellaneous zone text amendments to Chapters 3 and 28 of the Zoning Ordinance related to TDRs.**

**Dave Petersen** heretofore the concept of a TDR (Transfer of Development Rights) is where developers are required to obtain lots in order to get the density that they have to provide open space. At the discretion of the city they can transfer open space to an area that has a right to develop then those lots are turned over to open space in the development. The rooftops in the community are the same but the area is different. The city has used this successfully several times. A TDR could be used for other items as well. TDRs help with the preservation of historic landmarks, wetland preservation and affordable housing. The City has several properties that have been neglected and when the property gets turned over to heirs they would like help cleaning them up because they have a hard time financially coming out even. Staff thought if on a limited basis the Planning Commission would consider using the TDRs to help out in such situations. The City Council would have the last say on these TDRs. The key word that would be helpful would be blight. Staff could rely on this definition to take care of these properties.

**Eric Anderson** said the City would rely on the state code definition of blight. More than likely what this would look like would be as part of a subdivision application request.

**Alex Leeman** said he could see where this is one more tool the City can use.

**David Petersen** said the City has safeguards with the demolition by neglect.

**Public Hearing 9:31 pm**

**Jim Checketts** 576 W. 350 S., He questioned if this is related to the Rigby development?

**David Petersen** said that this proposal is regarding a different property.

**Alex Leeman** explained what this agenda item is encompassing.

**Lisa Webster** 732 W. 500 S., she commented about the division of the east and west sides she does not like it. She believes that the west side has a great rural feeling. She is happy about the turn out for the meeting tonight.

**David Petersen** explained that there is a balance on the City Council. The west side is well represented. The City was the only one to fight back with the West Davis Corridor. There is a lot of sentiment about the west side from the current governing body.



**Paulette Hewett** 541 W. 250 S., she thanked staff and planning commissioners for the work they do. She would like to see more people come to the study sessions because she feels they would learn so much and be more informed on agenda items. How do they come up with the value and is it public knowledge?

**David Petersen** explained that the City Manager, Dave Millheim used to be a developer and he understands the development world. He knows the questions that need to be asked and whether the City would be willing to look at a TDR. The amendment is all about cleaning up the property.

**Alex Leeman** explained that a TDR is negotiated between the City Manager and the developer. Then the City Manager proposes it to the Planning Commission then it will move to the City Council for approval. The negotiations are usually confidential because of the numbers but the final outcome is public information.

**Alex Leeman closed public hearing at 9:53 p.m.**

***Motion:***

**Roger Child** made a motion to approve and the Planning Commission recommends that the City Council will approve the proposed text changes to chapters 3 and 28 of the zoning ordinance citing the finding for approval. Seconded by **Bret Gallacher**.

Findings for Approval:

1. The changes provide an incentive to sub-dividers to develop and improve blighted properties that otherwise may not be cleaned-up.
2. The elimination of blight improves the general welfare of Farmington citizens.
3. Those owners of un-blighted properties wishing to let their holdings deteriorate in order to apply for TDRs –for purposes of blight—do in violation of the City’s “demolition by neglect” provisions of the Zoning Ordinance.

Feb 20<sup>th</sup> economic development specialist coming 6:00 pm.

**ADJOURNMENT**

***Motion:***

At 9:54 p.m., **Roger Child** made a motion to adjourn the meeting, **Bret Gallacher** seconded the motion, which was unanimously approved.



---

**Alex Leeman**  
Vice Chair, Farmington City Planning Commission